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6 *Painters & Floorcoverers Joint Committee, et al.*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 * * * * *

11 BOARD OF TRUSTEES OF THE PAINTERS
AND FLOORCOVERERS JOINT
12 COMMITTEE, *et al.*,

13 Plaintiffs,

14 vs.

15 FF&E REFINISHING NV, LLC, *et al.*,

16 Defendants.

CASE NO.: 2:19-cv-02056

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE
RESPONSIVE PLEADINGS
[Second Request]**

Date: N/A
Time: N/A

17 The Plaintiffs, acting by and through their counsel, Christensen James & Martin, Chtd.,
18 and Defendants FF&E Refinishing NV, LLC (“FF&E Refinishing NV”), FF&E Refinishing,
19 LLC (“FF&E Refinishing”), Robert Mario Insenga (“R Insenga”) (FF&E Refinishing NV,
20 FF&E Refinishing and R Insenga collectively referred to herein as the “FF&E Defendants”)
21 and Aria Resort & Casino Holdings, LLC (“Aria”) (the FF&E Defendants and Aria collectively
22 referred to herein as the “Defendants”) (Plaintiffs and Defendants collectively referred to herein
23 as the “Parties”) hereby Stipulate, Agree and Request this Court’s Order as follows:

24 1. This matter is currently pending before the above-entitled Court and has not
25 been scheduled for trial. There are no summary judgment or dispositive motions pending before
26 the Court.

27 2. On January 31, 2020, the Parties entered into a Stipulation and Order for
28

1 Extension of Time to File Responsive Pleadings and Consent to Audit [ECF 7], which was
2 approved by this Court's Order filed on February 4, 2020 [ECF 8]. The Order required the
3 FF&E Defendants to provide the payroll and related records in their possession or control to the
4 Plaintiffs showing the work performed by FF&E Refinishing NV and/or FF&E Refinishing at
5 the Aria Resort and Casino ("Audit Documents") so that the Plaintiffs could perform a payroll
6 compliance audit ("Audit"). The Order also allowed the Defendants until March 30, 2020, to
7 file their responsive pleadings, which extension was requested to allow the Parties additional
8 time in which to exchange documents and information, to have the Audit performed and to
9 attempt to reach a resolution of their claims and defenses.

10 3. The FF&E Defendants provided the Audit Documents to the Plaintiffs on
11 February 24, 2020. The Plaintiffs' third-party Auditor performed the Audit and issued an Audit
12 Report on March 25, 2020.

13 4. The Parties request that the Defendants have until May 1, 2020, to file their
14 responsive pleadings, which extension is intended to allow the Parties additional time in which
15 to review the Audit Report and attempt to reach a resolution of their claims and defenses. This
16 is the second request for an extension of time to file responsive pleadings and is not requested
17 to cause delay or for any other improper purpose.

18 5. This Stipulation is made in an effort to avoid protracted litigation with
19 accompanying costs and is not an admission of liability, nor is this Stipulation a modification of
20 any collective bargaining agreement or trust agreement.

21 6. The Parties agree that this Case shall be stayed until May 1, 2020, to allow the
22 Defendants time in which to review the Audit Report and to allow the Parties additional time in
23 which to resolve their claims and defenses. If the Parties cannot resolve their claims and
24 defenses, then they will be required to litigate this matter in the ordinary course, and the
25 Defendants shall be required to file and serve responsive pleadings by May 1, 2020.

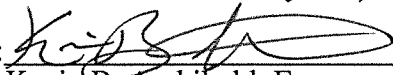
26 7. The Defendants acknowledge and assert that they have had an opportunity to
27 discuss this Stipulation and the effects that it has or may have with the attorney of their choice,
28

1 that they accept the consequences of entering into this Stipulation and that for the limited
2 purpose of entering this Stipulation, they have chosen to appear pro se.

3 8. The Defendants acknowledge further that should settlement negotiations
4 between the Parties fail and the Defendants be required to file responsive pleadings, then Aria,
5 FF&E Refinishing NV and FF&E Refinishing, LLC may only appear in the Case through
6 licensed counsel pursuant to *Rowland v. California Men's Colony*, 506 U.S. 194 (1993) and
7 *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244 (1993).

8 **Christensen James & Martin, Chtd.**

FF&E Refinishing NV, LLC

9 By: 

By: _____

Kevin B. Archibald, Esq.

Robert Mario Insenga, its President

Nevada Bar No. 11871

Dated this _____ day of March, 2020.

7440 W. Sahara Avenue

Las Vegas, Nevada 89117

Telephone: (702) 255-1718

FF&E Refinishing, LLC

Email: kba@cjmlv.com

By: _____

Attorneys for Board of Trustees

of the Painters & Floorcoverers Joint

Robert Mario Insenga, its President

Committee, et al.

14 Dated this 30th day of March, 2020.

Dated this _____ day of March, 2020.

16 **Aria Resort & Casino Holdings, LLC**

Robert Mario Insenga

17 By: _____

Ashley Eddy, Authorized Representative

Dated this _____ day of March, 2020.

19 Dated this _____ day of March, 2020.

20 **ORDER**

21 **IT IS SO ORDERED.**

22 

UNITED STATES MAGISTRATE JUDGE

25 Dated: 4/1/2020

1 that they accept the consequences of entering into this Stipulation and that for the limited
2 purpose of entering this Stipulation, they have chosen to appear pro se.

3 8. The Defendants acknowledge further that should settlement negotiations
4 between the Parties fail and the Defendants be required to file responsive pleadings, then Aria,
5 FF&E Refinishing NV and FF&E Refinishing, LLC may only appear in the Case through
6 licensed counsel pursuant to *Rowland v. California Men's Colony*, 506 U.S. 194 (1993) and
7 *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244 (1993).

8 **Christensen James & Martin, Chtd.**

FF&E Refinishing NV, LLC

9 By: _____
10 Kevin B. Archibald, Esq.
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12 7440 W. Sahara Avenue
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16 *Attorneys for Board of Trustees*
17 *of the Painters & Floorcoverers Joint*
18 *Committee, et al.*

By: _____
Robert Mario Insenga, its President

Dated this _____ day of March, 2020.

FF&E Refinishing, LLC

By: _____
Robert Mario Insenga, its President

Dated this _____ day of March, 2020.

Dated this _____ day of March, 2020.

16 **Aria Resort & Casino Holdings, LLC**

Robert Mario Insenga

17 By: _____
18 Ashley Eddy, Authorized Representative

Dated this _____ day of March, 2020.

Dated this 27th day of March, 2020.

ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

Dated: _____

1 that they accept the consequences of entering into this Stipulation and that for the limited
2 purpose of entering this Stipulation, they have chosen to appear pro se.

3 8. The Defendants acknowledge further that should settlement negotiations
4 between the Parties fail and the Defendants be required to file responsive pleadings, then Aria,
5 FF&E Refinishing NV and FF&E Refinishing, LLC may only appear in the Case through
6 licensed counsel pursuant to *Rowland v. California Men's Colony*, 506 U.S. 194 (1993) and
7 *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244 (1993).

8 **Christensen James & Martin, Chtd.**

9 By: _____

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Telephone: (702) 255-1718
Email: kba@cjmlv.com
*Attorneys for Board of Trustees
of the Painters & Floorcoverers Joint
Committee, et al.*

15 Dated this _____ day of March, 2020.

16 **Aria Resort & Casino Holdings, LLC**

17 By: _____

Ashley Eddy, Authorized Representative

19 Dated this _____ day of March, 2020.

FF&E Refinishing NV, LLC

By: _____

Robert Mario Insenga, its President

Dated this 31st day of March, 2020.

FF&E Refinishing, LLC

By: _____

Robert Mario Insenga, its President

Dated this 31st day of March, 2020.

Robert Mario Insenga

By: _____

Dated this 31st day of March, 2020.

ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

Dated: _____